

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE ENROLLED ACT No. 514

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AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 3-13-9-3, AS AMENDED BY P.L.119-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) This section applies to a vacancy in the office of town clerk-treasurer:

- (1) not covered by section 1 of this chapter; or
- (2) covered by section 1 of this chapter, but existing after the thirtieth day after:
  - (A) the vacancy occurs, if IC 5-8-6 does not apply; or
  - (B) the president of the town council receives the notice required under IC 5-8-6.

(b) A vacancy shall be filled by the town council at a regular or special meeting.

(c) The president of the town council shall give notice of the meeting. Except as provided in subsections (e) and (f), the meeting shall be held:

- (1) not later than thirty (30) days after the vacancy occurs if the vacancy is not covered by section 1 of this chapter; or
- (2) not later than sixty (60) days after the vacancy occurs if the vacancy is covered by section 1 of this chapter and exists for more than thirty (30) days.

(d) The notice must:

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- (1) be in writing;
- (2) state the purpose of the meeting;
- (3) state the date, time, and place of the meeting; and
- (4) be sent by first class mail to each council member at least ten (10) days before the meeting.

(e) If a vacancy:

- (1) is not covered by section 1 of this chapter; and
- (2) exists because of the death of the town clerk-treasurer;

the council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the president of the town council receives notice of the death under IC 5-8-6. The president of the town council may not give the notice required by subsection (c) until the president of the town council receives notice of the death under IC 5-8-6.

(f) If a vacancy:

- (1) is covered by section 1 of this chapter;
- (2) exists because of the death of the town clerk-treasurer; and
- (3) exists for more than thirty (30) days;

the council shall meet and select an individual to fill the vacancy not later than sixty (60) days after the president of the town council receives notice of the death under IC 5-8-6. The president of the town council may not give the notice required by subsection (c) until the president of the town council receives notice of the death under IC 5-8-6.

**(g) If a town council is unable to select an individual to fill a vacancy in the office by complying with this section, a member of the town council may assume the duties of the town clerk-treasurer under IC 36-5-6-9.**

SECTION 2. IC 5-9-4-8, AS AMENDED BY P.L.2-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) Except as provided in subsection (b) **and IC 36-5-6-9**, during the officeholder's leave of absence, the officeholder's office must be filled by a temporary appointment made under:

- (1) IC 3-13-4;
- (2) IC 3-13-5;
- (3) IC 3-13-6;
- (4) IC 3-13-7;
- (5) IC 3-13-8;
- (6) IC 3-13-9;
- (7) IC 3-13-10;
- (8) IC 3-13-11;

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- (9) IC 20-23-4;
- (10) IC 20-26;
- (11) IC 20-23-12;
- (12) IC 20-23-14;
- (13) IC 20-23-15;
- (14) IC 20-23-17;
- (15) IC 20-23-17.2;
- (16) IC 20-25-3;
- (17) IC 20-25-4; or
- (18) IC 20-25-5;

in the same manner as a vacancy created by a resignation is filled.

(b) For an officeholder who:

(1) is:

(A) a justice of the supreme court, a judge of the court of appeals, or a judge of the tax court; or

(B) a judge of a circuit, city, probate, or superior court; and

(2) is taking a leave of absence under this chapter;

the supreme court shall appoint a judge pro tempore to fill the officeholder's office in accordance with the court's rules and procedures.

(c) The person selected or appointed under subsection (a) or (b) serves until the earlier of:

(1) the date the officeholder's leave of absence ends as provided in section 10 of this chapter; or

(2) the officeholder's term of office expires.

(d) The person selected or appointed to an office under subsection (a) or (b):

(1) assumes all the rights and duties of; and

(2) is entitled to the compensation established for;

the office for the period of the temporary appointment.

**SECTION 3. IC 36-5-6-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) This section applies if an office of town clerk-treasurer is vacant and the town legislative body is unable to fill the office under IC 3-13-9-3.**

**(b) The town legislative body may select a town legislative body member, who shall assume the duties of the office of town clerk-treasurer. For purposes of Article 2, Section 9 of the Constitution of the State of Indiana and Indiana law, if a town legislative body member serves as the ex officio town clerk-treasurer, the duties assumed by the town legislative body member:**



- (1) are considered part of the duties prescribed by law for the office of town legislative body member; and**
- (2) are not considered a second office.**

**A town legislative body member may not receive any additional compensation for assuming the duties of the town clerk treasurer.**

**(c) The town legislative body may enter into an interlocal agreement under IC 36-1-7 with the town clerk-treasurer and town legislative body of another town in the state to assist the town legislative body member selected under subsection (b) in performing the duties of the clerk-treasurer's office. The agreement may not last longer than the remainder of the vacant clerk-treasurer's term and must meet the requirements of IC 36-1-7.**

**(d) If an agreement cannot be reached under subsection (c), the town legislative body may enter into a contract with a certified public accountant to assist the town legislative body member selected under subsection (b) in performing the duties of the clerk-treasurer's office. The contract may not last longer than the remainder of the vacant clerk-treasurer's term.**



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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